

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

PHENIX DE TEJAS, INC.

§

v.

§

CASE NO. 5:24-cv-01112-JKP

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§

SENTINEL INSURANCE COMPANY

§

§

**ORDER GRANTING SENTINEL INSURANCE COMPANY'S RULE 12(B)(6)  
PARTIAL MOTION TO DISMISS**

After consideration, Defendant Sentinel Insurance Company's Rule 12(b)(6) Partial Motion to Dismiss Plaintiff's fraud, fraudulent inducement, Texas Insurance Code, Texas Deceptive Trade Practices, bad faith, and pattern and practice Claims for Failure to State a Claim Pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) is GRANTED. It is therefore,

ORDERED that Defendant's Partial Motion to Dismiss for Failure to State a Claim Pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) is hereby GRANTED.

ORDERED that Plaintiff's Unfair Settlement Practices claims (including Plaintiff's claims pursuant to sections 541.060(a)(1), 541.060(a)(2)(A), 41.060(a)(3), 541.060(a)(4), 41.060(a)(7) of the Texas Insurance Code and the Texas Deceptive Trade Practices Act) are dismissed with prejudice.

ORDERED that Plaintiff's Prompt Payment of Claims causes of action pursuant to sections 542.055., 542.056, and 542.058 of the Texas Insurance Code are dismissed with prejudice.

ORDERED that Plaintiff's Texas Deceptive Trade Practices Act causes of action are dismissed with prejudice.

ORDERED that Plaintiff's fraud claim is dismissed with prejudice.

ORDERED that Plaintiff's fraudulent concealment claim is dismissed with prejudice.

ORDERED that Plaintiff's fraudulent inducement claim is dismissed with prejudice.

ORDERED that Plaintiff Abood Group's breach of the duty of good faith and fair dealing claim is dismissed with prejudice.

ORDERED that Sentinel Insurance Company shall file an answer within 14 days after this order is executed.

SIGNED on \_\_\_\_\_.

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JASON PULLIAM  
UNITED STATES DISTRICT JUDGE